UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

٠ . . -

JOHNNY ALVALLE,

11000000000	
USDC SDNY	
DOCUMENT ELECTRONICALLY FILED	
11	
DOC#:	JUN 2 6 2018
, bala millib:	

INDICTMENT

8 CRIM 455

COUNT ONE
(Felon in Possession of a Firearm)

Defendant.

The Grand Jury charges:

1. On or about October 12, 2017, in the Southern District of New York and elsewhere, JOHNNY ALVALLE, the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, knowingly did possess in and affecting commerce a firearm, to wit, a Rock River Arms 5.56x45MM NATO caliber semiautomatic assault rifle, which had previously been shipped and transported in interstate and foreign commerce.

(Title 18, United States Code, Sections 922(g)(1) and 2.)

(Narcotics Possession with Intent to Distribute)

The Grand Jury further charges:

2. On or about October 12, 2017, in the Southern District of New York and elsewhere, JOHNNY ALVALLE, the defendant, intentionally and knowingly distributed and possessed with intent



to distribute controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substances involved in the offense were quantities of mixtures and substances containing detectable amounts of heroin and fentanyl, in violation of Title 21, United States Code, Section 841(b)(1)(C).

(Title 21, United States Code, Sections 812, 841(a)(1), 841(b)(1)(C).)

(Firearms Use, Carrying, and Possession)

The Grand Jury further charges:

4. On or about October 12, 2017, in the Southern District of New York and elsewhere, JOHNNY ALVALLE, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely the narcotics offense charged in Count Two of this Indictment, knowingly did use and carry a firearm, and in furtherance of such crime, did possess a firearm, and did aid and abet the use, carrying, and possession of a firearm, which firearm was a semiautomatic assault weapon.

(Title 18, United States Code, Sections 924(c)(1)(B)(i) and 2.)

FORFEITURE ALLEGATION

5. As a result of committing the controlled substance offense alleged in Count Two of this Indictment, JOHNNY ALVALLE, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property

constituting, or derived from, any proceeds the said defendant obtained, directly or indirectly, as a result of the said offense and any and all property used, or intended to be used, in any manner or part, to commit or to facilitate the commission of, the said offense, including but not limited to a sum in United States currency representing the amount of proceeds.

Substitute Asset Provision

- 6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:
- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited
 with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
 - d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Section 853.)

FOREPERSON

GEOFFREY S. BERMAN

United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

JOHNNY ALVALLE,

Defendant.

INDICTMENT

18 Cr.

(18 U.S.C. §§ 922(g)(1) and 2, 924(c)(1)(B)(i); 21 U.S.C. §§ 812, 841(a)(1), 841(b)(1)(C).)

GEOFFREY S. BERMAN

United States Attorney.

Foreperson.

126/18

Filed Indictment

case assigned to Judge Keenan USMJ Fox Me